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PTO/SB/05 (03-01)

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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR § 1.53(b))

Attorney Docket No.	1488.1280006/EKS/EJH
First Inventor	Ying-Fei Wei
Title	Tumor Necrosis Factor Receptor 5
Express Mail Label No.	

**APPLICATION ELEMENTS**  
See MPEP chapter 600 concerning utility patent application contents.**ADDRESS TO:**Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 73]  
(preferred arrangement set forth below)  
- Descriptive title of the Invention  
- Cross Reference to Related Applications  
- Statement Regarding Fed sponsored R & D  
- Reference to sequence listing, a table,  
or a computer program listing appendix  
- Background of the Invention  
- Brief Summary of the Invention  
- Brief Description of the Drawings (if filed)  
- Detailed Description  
- Claim(s)  
- Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 23]
- ☒ Oath or Declaration [Total Pages 2]
- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
- i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR §§  
1.63(d)(2) and 1.33(b).
- ☒ Application Data Sheet. See 37 CFR 1.76.

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program  
(Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
- a. ☒ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☒ paper
- c. ☒ Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney  
and two Powers of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS  
Citations
13. ☒ Preliminary Amendment
14. ☒ Two (2) Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach  
form PTO/SB/35 or its equivalent.
17. ☒ Other: Authorization under 37 C.F.R. § 1.136(a)(3)
- ☒ Other: The name of the assignee is: Human Genome Sciences, Inc.

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-Part (CIP) of prior application No: 09/006,353  
Prior application information: Examiner Eileen B. O'Hara Group/Art Unit: 1646

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**☒ Customer Number or Bar Code Label

Customer No. 28730



(Insert Customer No. or attach bar code label here)

or ☐ Correspondence address below

NAME	STERNE, KESSLER, GOLDSTEIN & FOX P.C.				
	Attorneys at Law PATENT, TRADEMARK OFFICE				
ADDRESS					
CITY		STATE		ZIP CODE	
COUNTRY		TELEPHONE		FAX	

NAME (Print/Type)	Elizabeth J. Haanes, Ph.D.	Registration No. (Attorney/Agent)	42,613
SIGNATURE		Date	April 5 2001

Burden Hour Statement: this form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

SKGF Rev 3/29/01 mac

DivAppl\_SB05\_form

**FEE TRANSMITTAL  
for FY 2001**

Patent fees are subject to annual revision.

**Complete if Known**

Application Number	To be assigned
Filing Date	Herewith
First Named Inventor	Ying-Fei Wei
Examiner Name	To be assigned
Group Art Unit	To be assigned
Attorney Docket No.	1488.1280006/EKS/EJH

TOTAL AMOUNT OF PAYMENT (\$)**2,362.00****METHOD OF PAYMENT (check one)**

- 1.
- ☐
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number **19-0036**

Deposit Account Name **Sterne, Kessler, Goldstein & Fox P.L.L.C.**

☐ Charge Any Additional Fee Required  
Under 37 CFR §§ 1.16 and 1.17☐ Applicant claims small entity status  
See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☒ Other\*

\*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

**FEE CALCULATION****I. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	710.00
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$) **710.00****2. EXTRA CLAIM FEES**

	Extra	Fee from below	Fee Paid
Total Claims 94 - 20** = 74	X 18	=	1,332.00
Indep. Claims 7 - 3** = 4	X 80	=	320.00
Multiple Dependent		=	

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim
108	80	209	40	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) **1,652.00**

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	481	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

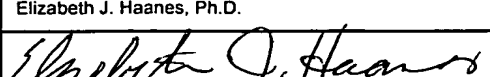
Other fee (specify) :

Other fee (specify) :

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)	Elizabeth J. Haanes, Ph.D.	Registration No. (Attorney/Agent)	42,613	Telephone	202-371-2600
Signature		Date	April 5, 2001		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.SSKGF Rev. 11/13/00 mnac

DivAppl\_ptofee\_Form



04/05/01

## STERNE, KESSLER, GOLDSTEIN &amp; FOX P.L.L.C.

ATTORNEYS AT LAW

1100 NEW YORK AVENUE, N.W. • WASHINGTON, D.C. 20005-3934

PHONE: (202) 371-2600 • FACSIMILE: (202) 371-2540 • www.skgf.com

jc821 U.S. PTO  
09/826212  
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ROBERT GREENE STERNE  
EDWARD J. KESSLER  
JORGE A. GOLDSTEIN  
SAMUEL L. FOX\*\*\*  
DAVID K.S. CORNWELL  
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TRACY-GENE G. DURKIN  
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ELIZABETH J. HAANES\*\*  
MARK P. TERRY\*\*

\*BAR OTHER THAN D.C.  
\*\*REGISTERED PATENT AGENT  
\*\*\*SENIOR COUNSEL

April 5, 2001

WRITER'S DIRECT NUMBER:

(202) 218-7834

INTERNET ADDRESS:

BHAANES@SKGF.COM

Commissioner for Patents  
Washington, D.C. 20231

Box Patent Application

Re: U.S. Non-Provisional Utility Patent Application under 37 C.F.R. § 1.53(b)  
(Divisional of Appl. No. 09/006,353; Filed: January 13, 1998)  
Appl. No. To be assigned; Filed: Herewith  
For: **Tumor Necrosis Factor Receptor 5**  
Inventors: Wei *et al.*  
Our Ref: 1488.1280006/EKS/EJH

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. PTO Fee Transmittal (Form PTO/SB/17);
2. Authorization to Treat a Reply As Incorporating An Extension of Time Under 37 C.F.R. § 1.136(a)(3) (*in duplicate*);
3. PTO Utility Patent Application Transmittal (Form PTO/SB/05);
4. Application Data Sheet Under 37 C.F.R. § 1.176
5. U.S. Utility Patent Application entitled:

**TUMOR NECROSIS FACTOR RECEPTOR 5**

Commissioner for Patents

April 5, 2001

Page 2

and naming as inventors:

Ying-Fei WEI  
Reiner GENTZ  
Jian NI  
Steven M. RUBEN

the application consisting of:

- a. A specification containing:
  - i. 67 pages of description prior to the claims;
  - ii. 5 pages of claims (22 claims);
  - iii. a one (1) page abstract;
- b. 23 sheets of drawings: (Figures 1A, 1B, 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 2I, 2J, 2K, 2L, 2M, 2N, 2O, 2P, 3, 4, 5A, 5B-5C, and 6; and
- c. 36 pages of a paper copy of a sequence listing;
- d. A copy of the executed Declaration and Power of Attorney, as originally filed in U.S. Appl. No. 09/006,353;
- e. A copy of an assignment to Human Genome Sciences, Inc., as recorded at reel: 9418; frame: 0772;
6. A Preliminary Amendment;
7. A computer readable copy of the sequence listing;
8. Copies of Associate Powers of Attorney filed on August 12, 1999 and April 25, 2000 along with the U.S. Patent and Trademark stamped returned postcard;
9. A copy of a Statement Concerning the Deposited cDNA Clone, as originally filed in U.S. Appl. No. 09/006,353;
10. A copy of the specification and drawings as originally filed in U.S. Appl. No. 09/006,353; which is incorporated herein by reference;

Commissioner for Patents

April 5, 2001

Page 3

11. Two (2) return postcards; and
12. Our check No. **30849** for \$ 2,362.00 to cover:

\$ 710.00 Filing fee for patent application;

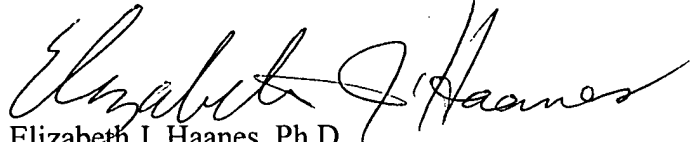
\$ 1,652.00 Fee for excess claims.

In accordance with 37 C.F.R. § 1.821(f), the paper copy of the sequence listing and the computer readable copy of the sequence listing submitted herewith in the above application are the same.

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Elizabeth J. Haanes, Ph.D.

Agent for Applicants

Registration No. 42,613

EJH/pcd

Encls.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Wei et al.

Appl. No.: 09/006,353

Art Unit: 1634

Filed: January 13, 1998

Examiner: O'Hara, E.

For: Tumor Necrosis Factor Receptor 5

Docket No.: 1488.1280002/EKS/EJH

Statement Concerning the Deposited cDNA Clone

Assistant Commissioner for Patents  
Washington, D.C. 20231


Sir:

The undersigned attorney of record hereby states:

1. A plasmid containing human Tumor Necrosis Factor Receptor 5 cDNA was deposited under the terms of the Budapest Treaty on November 20, 1996, at the American Type Culture Collection (ATCC), Patent Depository, 10801 University Boulevard, Manassas, Virginia 20110-2209 (current address), and given accession number 97798, as evidenced by the copy of the ATCC Deposit Receipt attached hereto.
2. Assurance is hereby given that: (1) the deposit was made under terms of the Budapest Treaty; (2) except for the limitations allowed by 37 C.F.R. § 1.808(b), all restrictions on the availability to the public of the deposit will be irrevocably removed upon the granting of a patent from the captioned application; (3) the deposit has been made under conditions such that access to the material will be available during the pendency of the captioned patent application to one determined by the Commissioner; and (4) the deposit will be maintained with the care necessary to keep it viable and uncontaminated for a period of at least five years after the most recent request for the furnishing of a sample of the deposit, and in any case, for a period of at least thirty years after the date of deposit or for the enforceable life of the patent, whichever period is longer.

Respectfully submitted

Date: April 17, 2000

  
Jonathan L. Klein (Reg. No. 41,119)  
Attorney for Applicants

Human Genome Sciences, Inc.  
9410 Key West Avenue  
Rockville, MD 20850  
Telephone: (301) 251-6015

Applicant: Wei *et al.*

Application No.: 09/006,353

Filed: January 13, 1998

For: Tumor Necrosis Factor Receptor 5

Due Date: April 26, 2000

Art Unit: 1646

Examiner: O'Hara, E.

Docket: 1488.1280002

Atty: EKS/EJH



INT  
2

When receipt stamp is placed hereon, the USPTO acknowledges receipt of the following documents:

1. PTO Transmittal Letter (*in duplicate*);
2. Fee Transmittal Form (PTO/SB/17) (*in duplicate*);
3. Amendment and Reply Under 37 C.F.R. § 1.111;
4. An original Associate Power of Attorney executed by Attorney of Record Kenley K. Hoover;
5. A Statement Concerning the Deposited cDNA Clone executed by attorney of record Jonathan L. Klein, with attached ATCC Deposit Receipt;
6. A Declaration of Ying-Fei Wei, Jian Ni, Reiner Gentz, and Steven Ruben Under 37 C.F.R. § 1.131 along with attached Exhibit A (in two counterparts);
7. A Substitute Specification submitted Under 37 C.F.R. § 1.125(b);
8. A marked up copy of the Substitute Specification;
9. Substitute Figures labeled 1A, 1B, 2A, 2B, 2C, and 2D;
10. Copies of the pages of Figures 1 and 2 as originally filed, with the proposed changes shown in red;
11. A copy of the abstract of Chou and Roizman, *J. Virol.* 57:629-637 (1986);
12. A Petition of Extension of Time (*in duplicate*); and
13. Our check no. 27356 in the amount of \$1,584.00 to cover the fee:  
    \$714.00 Extra claims ; and  
    \$870.00 For Extension of Time.

Please Date Stamp And Return To Our Courier

09826212-040501

Applicant: WEI *et al.*

Due Date: N/A

Art Unit: 1646

Examiner: Fitzgerald, D.

Application No.: 09/006,353

Docket: 1488.1280002

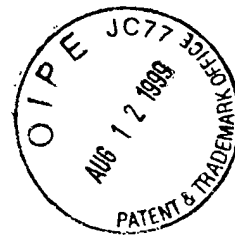
Filed: January 13, 1998

Atty: EKS/EJH

For: Tumor Necrosis Factor Receptor 5

When receipt stamp is placed hereon, the USPTO acknowledges receipt of the following documents:

1. Transmittal Letter (*in duplicate*);
2. Change of Correspondence Address (Form PTO/SB/122); and
3. Associate Power of Attorney.



Please Date Stamp And Return To Our Courier

Box:

FD-5070-27292360



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Wei *et al.*

Appl. No. To be assigned  
(Divisional of Appl. No. 09/006,353; Filed: January 13,  
1998)

Filed: Herewith

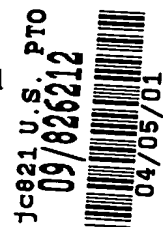
For: **Tumor Necrosis Factor Receptor 5**

Confirmation No. To be assigned

Art Unit: To be assigned

Examiner: To be assigned

Atty. Docket: 1488.1280006/EKS/EJH



**Authorization To Treat A Reply As Incorporating An Extension Of  
Time Under 37 C.F.R. § 1.136(a)(3)**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

The U.S. Patent and Trademark Office is hereby authorized to treat any concurrent or future reply that requires a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. The U.S. Patent and Trademark Office is hereby authorized to charge all required extension of time fees to our Deposit Account No. 19-0036, if such fees are not otherwise provided for in such reply. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in cursive script that reads "Elizabeth J. Haanes".

Elizabeth J. Haanes, Ph.D.  
Agent for Applicants  
Registration No. 42,613

Date: April 5, 2001

1100 New York Avenue, N.W.  
Suite 600  
Washington, D.C. 20005-3934  
(202) 371-2600